In the High Court of Punjab and Haryana, Chandigarh.

CWP No. 17227 of 2006

Date of Decision: 31.10.2006

Veena Maini

....Petitioner

Versus

State of Punjab and others.

....Respondents.

Coram:- Hon'ble Mr.Justice J.S. Khehar.
Hon'ble Mr. Justice S.D. Anand.

Present: Mr. O.P. Gaba, Advocate
for the petitioner.

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J.S. Khehar, J. (Oral).

The petitioner was granted proficiency step-up on having rendered 24 years' service, w.e.f. 20.5.2000, by an order dated 17.10.2003. Subsequently, a show cause notice dated 14.3.2006 was issued to the petitioner, informing her the performance of her students in the Board examinations, during the five academic years, preceding the date with effect from which the petitioner was granted proficiency step-up i.e. from the academic year 1995-96 to the academic year 1999-2000. On a collective perusal thereof, it was revealed, that four results out of the 10 results of the petitioner, were in the positive when compared to the total pass percentage of the Board, whereas, six of the results were in the minus. Accordingly, it was concluded, that more 50% of the results of the petitioner, were in the minus. On the basis thereof, it was sought to be concluded, that the

performance of the petitioner was not upto the mark, and therefore, she ought not to have been allowed the benefit of proficiency step-up, vide the aforesaid order dated 17.10.2003.

In response to the aforesaid show cause notice, the petitioner submitted her reply on 3.4.2006. The petitioner has additionally placed on the record of this case a compilation made by her of all the results from the academic year 1992-93 upto the academic year 1999-2000. A collective perusal of the reply to the show cause notice, as also, the compilation made by the petitioner reveals, that the factual position depicted in the show cause notice, namely, that out of the ten results, six results of the petitioner were in the minus, was correct. It is on the basis of the aforesaid determination at the hands of the respondents which is not disputed, and in fact, confirmed on the basis of the compilation placed on the record of this case as Annexure P-8, that proficiency step-up granted to the petitioner w.e.f. 20.5.2000, on completion of 24 years service, has been withdrawn, vide order dated 17.10.2003,. We find no infirmity in the action taken by the respondents, specially on account of the fact, that the factual position noticed in the show cause notice is not disputed at the hands of the petitioner.

Dismissed.

(J.S. Khehar)
Judge.

(S.D. Anand)
Judge.

31.10.2006
sk.